

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MARCUS JOHNSON,	:	CIVIL ACTION
Plaintiff,	:	
	:	
v.	:	
	:	
A. SHELDON KOVACH and	:	NO. 18-449
JOHN F.X. REILLY,	:	
Defendants.	:	

ORDER

AND NOW, this 12th day of February, 2018, upon consideration of consideration of Mr. Johnson's motion to proceed *in forma pauperis* and *pro se* Complaint, it is ORDERED that:

1. Leave to proceed *in forma pauperis* is GRANTED.
2. Plaintiff, Marcus Johnson, #EG-1740, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b). Based on the financial information provided by Mr. Johnson, an initial partial filing fee of \$52.50 is assessed. The Superintendent or other appropriate official at the State Correctional Institution-Smithfield or at any other prison at which Mr. Johnson may be incarcerated is directed to deduct \$52.50 from Mr. Johnson's inmate trust fund account, when such funds become available, and forward that amount to the Clerk of the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Room 2609, Philadelphia, PA 19106, to be credited to Civil Action No. 18-449. After the initial partial filing fee is collected and until the full filing fee is paid, the Superintendent or other appropriate official at the State Correctional Institution-Smithfield or at any other prison at which Mr. Johnson may be incarcerated, shall deduct from Mr. Johnson's account, each time that Mr. Johnson's inmate trust fund account exceeds \$10, an amount no greater than 20 percent of

the money credited to his account during the preceding month and forward that amount to the Clerk of Court at the address provided above to be credited to Civil Action No. 18-449.

3. The complaint is DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for the reasons discussed in the Court's Memorandum. Mr. Johnson is not given leave to file an amended complaint in this case. However, the Court will dismiss his claims without prejudice in the event his convictions are invalidated in the future.

4. The Clerk of Court is directed to send a copy of this order to the Warden of the State Correctional Institution at Smithfield.

5. The Clerk of Court shall CLOSE this case.

BY THE COURT:

/s/ Lawrence F. Stengel

LAWRENCE F. STENGEL, C.J.